

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BETH SUHON, <i>mother and guardian of</i>)	
<i>M.S., a minor child,</i>)	
)	
Plaintiff,)	Civil Action No. 17-1690
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Maureen P. Kelly
MCGUFFEY SCHOOL DISTRICT,)	
)	
Defendant.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On December 24, 2017, Plaintiff initiated the instant lawsuit under the Rehabilitation Act, the Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 1983. In lieu of an Answer, Defendant filed a Motion to Dismiss and Motion to Strike (hereinafter “Motion to Dismiss,” Doc. 11) in response to Plaintiff’s Complaint (Doc. 1). Plaintiff filed a Response in Opposition to the Motion (hereinafter “Response,” Doc. 16). On September 7, 2018, Judge Kelly issued a Report (hereinafter “R&R,” Doc. 17) recommending that Defendants’ Motion to Dismiss be granted. No objections to the R&R were filed during the 14 days the parties had to assign error to its conclusions. Fed. R. Civ. P. 72(b)(2). The Court infers from Plaintiff’s failure to file objections that Plaintiff has no grounds, and therefore needs no opportunity, to amend her Complaint.

After a review of the Complaint, Defendant’s Motion, Plaintiff’s Response, together with the R&R, it hereby is **ORDERED** that: Defendants’ Motion to Dismiss is **GRANTED**; Count

VI, alleging a violation under Section 1983, is **DISMISSED WITH PREJUDICE**; Plaintiff's requests for punitive damages are **STRICKEN** from the Complaint; and the Magistrate Judge's R&R is **ADOPTED** as the Opinion of the District Court.

Defendant shall file its responsive pleading within 14 days of this Order. See Fed. R. Civ. P. 12(a)(4)(A).

IT IS SO ORDERED.

November 16, 2018

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record